

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

Docket No. 05 CR 10053 NMG

TYRONE BATTLE

EX PARTE APPLICATION FOR SERVICES

Request is hereby made on behalf of Tyrone Battle to allow the payment of expert fees for a psychologist in excess of the \$300.00 guideline.

Such request is based upon the Declaration of Mark W. Shea, counsel appointed for Tyrone Battle, and all pleadings in the matter herein.

DECLARATION OF MARK W. SHEA

I, Mark W. Shea, do hereby declare as follows:

1. I am the attorney of record in the matter herein, appointed to represent Tyrone Battle;
2. Mr. Battle is charged with being a felon in possession of a firearm and ammunition;
3. The case is scheduled for sentencing on July 25, 2005;
4. In the course of preparing for the defense it has come to my attention that Mr. Battle has suffered from learning disabilities and attended special classes in school;
5. The defense requires a qualified psychologist to conduct the specialized cognitive tests to make the diagnosis of Mr. Battle's learning disabilities;
6. I have enlisted the services of Eric Mart, Ph.D., a board certified forensic psychologist who has extensive experience regarding assessment of people with cognitive disorders;

7. Dr. Mart's expertise would be used to assist the defendant at his sentencing in regards to possible downward departures, and regarding the competence of the defendant to have waived his *Miranda* rights;
8. At the current CJA rate, the \$300.00 guideline does not permit sufficient time for Dr. Mart's services;
9. Based on the above, counsel for defense requests fees up to \$1,800.00 for Dr. Mart, which will include an evaluation of Mr. Battle, a written report, and conference with counsel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 26th day of May, 2005.

/s/ Mark Shea

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